UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/607,718	06/27/2003	Kevin T. Rowney	006224.P001X3	9417

7590 07/03/2008

Marina Portnova
BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP
Seventh Floor
12400 Wilshire Boulevard
Los Angeles, CA 90025

EXAMINER	
DAYE, CHELCIE L	

ART UNIT	PAPER NUMBER
2161	

MAIL DATE	DELIVERY MODE
07/03/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/607,718	ROWNEY ET AL.	
	Examiner	Art Unit	
	CHELCIE DAYE	2161	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *14 April 2008*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-32* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-32* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *4/14/08*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. This action is issued in response to applicant's amendment filed April 14, 2008.

2. Claims 1-32 are presented. No claims are added and none cancelled.

3. Claims 1-32 are pending.

4. Applicant's arguments filed April 14, 2008, have been fully considered but they are not persuasive.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. Claims 1-3,6-15,20-21,24-26, and 31-32, are rejected under 35 U.S.C. 103(a) as being unpatentable over Bradshaw (US Patent No. 5,835,722) filed June 27, 1996, in view of Shannon (US Patent No. 6,233,618) filed March 31, 1998.

Regarding Claims 1, 20, and 32, Bradshaw discloses a method for a client device, comprising:

searching, text contained in a plurality of documents for pre-selected data, the plurality of documents being stored on a plurality of data storage media of the client device (column 6, lines 5-20 and 40-49; column 7, lines 19-38, Bradshaw),

the client device being a personal computing device (column 5, lines 37-38, Bradshaw);

detecting at least a portion of the pre-selected data in the text of at least one of the plurality of documents stored on any of the plurality of data storage media of the client device (column 8, lines 35-58 and column 10, lines 15-30, Bradshaw)[1]. However, Bradshaw is silent with respect to the searching being performed locally and sending a notification of detection of the pre-selected data from the client device to a server coupled to the client device via a network. On the other hand, Shannon discloses the searching being performed locally (column 6, lines 28-35, Shannon) and sending a notification of detection of the pre-selected data from the client device to a server coupled to the client device via a network (column 14, lines 42-48, Shannon)[2]. Bradshaw and Shannon are analogous art because they are from the same field of endeavor of controlling the access of particular data. It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate Shannon's teachings into the Bradshaw system. A skilled artisan would have been motivated to combine as suggested by Shannon at column 3, lines 46-50 and column 4, lines 33-50, in order to provide a more efficient and up-to-date system for controlling access by client computers to available data dependent upon the content.

[1] Examiner Notes: Further examples of detecting pre-selected data can be found at column 11, Examples 1 and 2, Bradshaw.

Regarding Claim 2, the combination of Bradshaw in view of Shannon, disclose a method further comprising:

upon detecting at least a portion of the pre-selected data, preventing access to the detected data (column 14, lines 37-41, Shannon).

Regarding Claims 3 and 21, the combination of Bradshaw in view of Shannon, disclose a method wherein the text contained in the plurality of documents is searched periodically (columns 9-10, lines 64-67 and 1, respectively, Shannon).

Regarding Claims 6 and 24, the combination of Bradshaw in view of Shannon, disclose a method further comprising:

receiving instructions defining a scope of a search for the client device from the server (column 6, lines 28-47, Shannon).

Regarding Claim 7, the combination of Bradshaw in view of Shannon, disclose a method wherein searching text contained in the plurality of documents comprises:

---

[2] Examiner Notes: More details regarding the server being coupled to the client device via a network can be found at column 5, lines 6-20 and 45-50, Shannon.

receiving an abstract data structure[3] associated with the pre-selected data (column 8, lines 49-51, Shannon); and

utilizing the abstract data structure (column 8, lines 51-56, Shannon) when searching the text contained in the plurality of documents for the pre-selected data (column 8, lines 2-12, Shannon).

Regarding Claims 8 and 25, the combination of Bradshaw in view of Shannon, disclose a method wherein searching text contained in the plurality of documents comprises monitoring one or more specific data operations for presence of at least a portion of the pre-selected data (column 13, lines 23-34, Shannon).

Regarding Claims 9 and 26, the combination of Bradshaw in view of Shannon, disclose a method wherein at least one of the one or more specific data operations is selected from the group consisting of a file-read, a file-write, a file-update (column 9, lines 27-31, Shannon), a read from a removable media device, a write to a removable media device, and access of data stored on any of the plurality of data storage media by a program running on the client device (column 12, lines 24-31, Shannon).

[3] Examiner Notes: Table 3 is a form of an index data structure, which corresponds with abstract data structure.

Regarding Claim 10, the combination of Bradshaw in view of Shannon, disclose a method wherein the pre-selected data has a tabular format (column 8, Table 3, Shannon).

Regarding Claim 11, the combination of Bradshaw in view of Shannon, disclose a method wherein the pre-selected data is capable of being re-structured into a tabular format based on relationships among elements of the pre-selected data (column 7, Table 2 and lines 58-64, Shannon).

Regarding Claim 12, the combination of Bradshaw in view of Shannon, disclose a method wherein the pre-selected data is maintained by an organization in at least one of a spreadsheet, a flat file, and a database (column 8, lines 24-30, Shannon).

Regarding Claim 13, the combination of Bradshaw in view of Shannon, disclose a method wherein the pre-selected data is associated with an abstract data structure comprising a tuple-storage structure[4] derived from the pre-selected data (column 8, Table 3, Shannon).

Regarding Claim 14, the combination of Bradshaw in view of Shannon, disclose a method wherein the abstract data structure comprises a plurality of

[4] Examiner Notes: The tuple-storage structure is Table 3 shown with numbered rows.

tuples, each of the plurality of tuples including a row numbers of a data item in a corresponding cell of a tabular structure of the pre-selected data (column 8, Table 3 and lines 49-51, Shannon; wherein the plurality of tuples correspond to the multiple rows and also the rows within Table 3 are numbered which corresponds to the "including row numbers of a tabular structure").

Regarding Claim 15, the combination of Bradshaw in view of Shannon, disclose a method wherein each of the plurality of tuples additionally includes a column number (column 8, lines 57-62, Shannon) and optionally a column type of the data item in the corresponding cell.

Regarding Claim 31, the combination of Bradshaw in view of Shannon, disclose a client device comprising:

a plurality of storage media storing a plurality of documents containing text for the client device (column 6, lines 5-20 and 40-49; column 7, lines 19-38, Bradshaw), the client device being a personal computing device (column 5, lines 37-38, Bradshaw); and

at least one processor coupled to the plurality of storage media (column 3, lines 54-58, Shannon), at least one processor executing a set of instructions which cause the processor to search locally the text in the plurality of documents for pre-selected data (column 8, lines 2-12, Shannon), and to send a notification of detection of the pre-selected from the client device to a server via a network

upon detecting locally at least a portion of the pre-selected data in the text of any of the plurality of documents (column 14, lines 42-48, Shannon).

7. Claims 4, 16-19, 22, and 27-30, are rejected under 35 U.S.C. 103(a) as being unpatentable over Bradshaw (US Patent No. 5,835,722) filed June 27, 1996, in view of Shannon (US Patent No. 6,233,618) filed March 31, 1998, and further in view of Brandt (US Patent No. 5,892,905) filed December 23, 1996.

Regarding Claims 4 and 22, the combination of Bradshaw in view of Shannon, disclose all of the claimed subject matter as stated above. However, the combination of Bradshaw in view of Shannon, are silent with respect to the text contained in the plurality of documents being searched when the client device is disconnected from the network. On the other hand, Brandt discloses the text contained in the plurality of documents being searched when the client device is disconnected from the network (column 17, lines 46-50, Brandt). Bradshaw, Shannon, and Brandt, are analogous art because they are from the same field of endeavor of access control of networked data. It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate Brandt's teachings into the Bradshaw and Shannon system. A skilled artisan would have been motivated to combine as suggested by Brandt at column 17, lines 51-55, in order to stay consistent with the maintenance on a system, as well as ensuring reliability without undue disruption.

Regarding Claims 16 and 27, the combination of Bradshaw in view of Shannon, and further in view of Brandt, disclose a method wherein the plurality of data storage media is selected from the group consisting of a main memory ("DRAM"; column 10, lines 8-11, Brandt), a static memory, and a mass storage memory.

Regarding Claims 17 and 28, the combination of Bradshaw in view of Shannon, and further in view of Brandt, disclose a method wherein a plurality of data storage media comprises

one or more volatile storage device (column 5, lines 5-8, Bradshaw); and

one or more persistent storage device (column 10, lines 53-61, Brandt).

Regarding Claims 18 and 29, the combination of Bradshaw in view of Shannon, and further in view of Brandt, disclose a method further comprising detecting use of the pre-selected data by an application[5] running on the client device (column 6, lines 8-15, Shannon).

Regarding Claims 19 and 30, the combination of Bradshaw in view of Shannon, and further in view of Brandt, disclose a method further comprising:

[5] Examiner Notes: The application corresponds to a "network device", which has access to the databases and permits data communication (column 5, lines 12-20, Shannon).

identifying the application using the pre-selected data (column 10, lines 51-59, Shannon); and

reporting the identified application (column 10, lines 59-64, Shannon).

8. Claims 5 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bradshaw (US Patent No. 5,835,722) filed June 27, 1996, in view of Shannon (US Patent No. 6,233,618) filed March 31, 1998, further in view of Brandt (US Patent No. 5,892,905) filed December 23, 1996, and further in view of Dascalu (US Patent No. 5,958,015) filed October 29, 1996.

Regarding Claims 5 and 23, the combination of Bradshaw in view of Shannon, and further in view of Brandt, disclose a method wherein sending a notification comprises:

upon detecting the pre-selected data, creating a message containing the notification of the detection of the pre-selected data (column 14, lines 42-48, Shannon); and

transmitting the message to the server after the client device is re-connected to the server (column 18, lines 24-30, Brandt). However, the combination of Bradshaw in view of Shannon, and further in view of Brandt, are silent with respect to placing the message in a transmission queue. On the other hand, Dascalu discloses placing the message in a transmission queue (column 4, lines 25-40, Dascalu). It would have been obvious to one of ordinary skill in the

art at the time of the invention to incorporate Dascalu's teachings into the Bradshaw, Shannon, and Brandt system. A skilled artisan would have been motivated to combine in order to provide a network device that offers access control at particular levels for easier transmission.

Response to Arguments

Applicant argues, Bradshaw does not teach "searching, locally, <u>text contained in a plurality of documents</u> for pre-selected data, the plurality of documents being stored on a plurality of data storage media of the client devices".

Examiner respectfully disagrees. To begin, in response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.,* 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). More specifically, Shannon, the secondary reference, was relied upon for the disclosure of the searching being performed locally. As such, it is the combination of Bradshaw and Shannon for the teaching of the above-argued limitation. However, Bradshaw teaches "*the present invention not only blocks access to certain sites but also blocks the production of documents, E-mail, etc. with certain vulgar and offensive words, blocks the running of certain programs, blocks E-mail to certain addresses, and screens alternate methods of sending or generating text*" (see col.2, lines 61-67), wherein it is very clear that in order for certain documents and emails to be blocked there has to be a reason to block

in which the system has clearly located offensive words (i.e., text which is pre-selected) from a search. Even further, Bradshaw teaches "*the present invention allows the use of search engines. The comprehensive approach allows screening of the key word searches. The content search is at a different level in search engines than for other content searches, the use of words inappropriate for a key word search are screened out along with offensive words*" and "*E-mail can be controlled by prohibiting E-mail to certain addresses, and enabling a supervisory adult to monitor incoming and outgoing E-mail. E-mail is logged into a file, which is accessible by password, to allow the supervisor to review in-coming and out-going E-mail*" (see col.3, lines 1-9 and 25-29), which further discloses the searching of text within documents for pre-selected data. Lastly, Bradshaw discloses the use of multiple libraries and using the search engine to find the restricted data (see col.6, lies 5-20 and 40-49; and col.7, lines 19-38), which fully teaches upon above-argued claim language of searching text contained in a plurality of documents for pre-selected data, the plurality of documents being stored on a plurality of data storage media of the client devices.

Applicant argues, Bradshaw does not teach "detecting at least a portion of the pre-selected data in the text of at least one of the plurality of documents stored on any of the plurality of data storage media of the client device".

Examiner respectfully disagrees. Bradshaw discloses multiple examples of the above-argued feature of detecting a portion of the pre-selected data in the plurality of documents. For example, "*FIG. 5 illustrates the clipboard sentinel of the X-Stop monitor. The clipboard is an application that remains active in the background and is used for transferring blocks of text, etc., within an application or from one application to another. When the clipboard is refreshed (such*

as opening a file into clipboard) or a clipboard function is selected, e.g., copy, cut, paste, from a menu bar with mouse or keystrokes, or an appropriate keystroke, such as ctrl+c, ctrl+x, ctrl+v, ctrl+insert, shift+insert, etc., the clipboard routine is activated. The contents of the clipboard are converted to uppercase and a word isolation routine is activated. The word isolation routine breaks the text in the clipboard into individual words in a manner similar to that in the keyboard sentinel by detection of word termination characters in the clipboard text. Each word is then compared with Libraries 1, 2 and 3. If a match is found, the blocking routine is activated" (see col.10, lines 15-30). Also, Bradshaw gives specific examples of the detection of the pre-selected data within Examples 1&2 in Column 11.

Applicant argues, Shannon does not teach the searching being performed locally.

Examiner respectfully disagrees. Shannon teaches a network having databases (203,204,208) wherein, those databases are stored locally (see Fig.1). As such, in order for the network device to be able to make access control decisions regarding requests for web pages, files, and other information provided by servers, it must be configured with access control data such as stored in databases 203, 204, and 208. (see col.5, lines 5-20 and col.6, lines 28-35). Therefore, Bradshaw's system of searching within a plurality of documents for pre-selected data along with the combination of Shannon's local storage of the data, equates to the local searching.

Applicant argues, Shannon does not teach "sending a notification of detection of the pre-selected data from the client device to a server coupled to the client device via a network".

Examiner respectfully disagrees. To begin, Shannon clearly discloses a notification of the detection of the pre-selected data at col.14, lines 42-48, wherein "*If step 209 does detect an attempt at restricted access to a service, web site, data or other restricted content, step 214 is executed which uses the source address in field 302 of the packet 300 to send a return notification of denial to the user at the client computer requesting the restricted data. Step 215 may also be executed which logs the illegal attempted request to a log file*". Next, Shannon teaches "*Local Area Network (LAN) composed of client computer hosts ("clients"), Wide Area Network (WAN) including server computer hosts ("servers") and a network device having access control databases*" (see col.5, lines 5-20), also "*the invention is applicable to many types of data transfer operations made from client to server computers*" (see col.5, lines 21-22), and "*As a "gateway", the network device 100 according to this invention is configured also to monitor the data communications that pass between clients connected to the LAN 40 and servers connected to the WAN 45. The network device 100 can, for example, detect requests for web pages, files or other data from any of clients 50 through 53 to servers 54 through 56. The network device 100 then either allows or denies the detected web page or information requests based on an examination of the content of the specific requests in comparison with access control data stored in databases 203, 204 and 208*" (see col.6, lines 4-14). All of the above excerpts detail and disclose the information being sent from the client device to a server.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Points of Contact

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHELCIE DAYE whose telephone number is (571)272-3891. The examiner can normally be reached on M-F, 7:00 - 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Apu Mofiz can be reached on 571-272-4146080. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Chelcie Daye
Patent Examiner
Technology Center 2100
June 30, 2008

/Apu M Mofiz/
Supervisory Patent Examiner, Art Unit 2161